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I. INTRODUCTION

Claims 1 and 24 have been amended. No new matter has been added. Thus, claims 1, 2, 5-12, 24, and 26 are pending in this application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. §103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 2, 5-11, 24, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,980,514 to Kupiecki et al. (hereinafter "Kupeicki") in view of U.S. Pat. No. 6,287,318 to Villar et al. (hereinafter "Villar").

Claim 1 recites an embolic coil comprising "an elongated core element formed of a shape memory material treated to define a memorized coil shape," "an elongated outer element wound around the elongated core element to define a primary coil shape of the embolic coil," and "a plurality of fibers gripped by adjacent coils of the primary coil."

The Examiner correctly stated that Kupeicki does not show or suggest a coil having fibers as recited in claim 1. (See 4/25/2007 Office Action, page 2, line 24). The Examiner attempted to cure this deficiency with Villar. However, it is respectfully submitted that Villar does not cure this deficiency because it does not teach or suggest "a plurality of fibers *gripped by adjacent coils* of the primary coil," as recited in claim 1. Villar discloses that the fibers are looped through the turns of the coil because the looping filaments provide the resulting device with a lower overall effective diameter for ease of delivery. (See Villar, col. 4, lines 53-58). However, it is respectfully submitted that the looping filaments do not meet the limitation of being "gripped by adjacent coils of the primary coil." It is respectfully submitted that the Examiner has read beyond the scope of Villar by stating that the looping filaments are gripped by adjacent coils. Villar discloses only one embodiment with fibers that pass between adjacent coils of the primary coil. (See Villar, FIG. 2). However, in this embodiment, the adjacent coils are far enough apart that the fibers merely pass through in a loose braid and are not held in place by contact by

adjacent coils. (See Villar, FIG. 2, See also col. 4, lines 48-61). Furthermore, the fibers of Villar are required to be glued or heated to maintain contact with the core member. (See Villar, col. 5, lines 21-26). That is, adjacent coils are not responsible for the gripping of the looping fibers. The term gripped is defined to mean “to secure and maintain a tight hold on; seize firmly” according to the *American Heritage® Dictionary of the English Language, Fourth Edition*. Villar does not disclose nor suggest fibers that are “seized firmly” by adjacent coils of the primary coil because the fibers in Villar are glued or heated to “maintain contact with the core member.” (See Villar, col. 5, lines 21-25).

In addition, it is respectfully submitted that adjacent coils even existing in Villar with regard to FIG. 2 is misplaced. That is the looping filaments are used at intermittent turns of the coil of the core member to prevent *over-expansion*. (See Villar, FIG. 2, See also Villar, col. 4, lines 48-58). Preventing an over-expansion of a coil implies several aspects. For example, the coil is intentionally being held in a tighter configuration. Another example is that the looping filaments are actively holding the coil in the tighter configuration. Therefore, it is respectfully submitted that an implication that adjacent coils in Villar grip the looping filaments is erroneous. In direct contrast, it is the looping filaments that “grip” the coil to prevent over-expansion. Other embodiments in Villar also do not disclose fibers that are gripped by adjacent coils of the primary coil. (See Villar, FIG. 3, See also Villar, col. 4, lines 62-65).

Thus, it is therefore respectfully submitted that neither Kupiecki nor Villar, either alone or in combination, disclose or suggest an embolic coil comprising “a plurality of fibers gripped by adjacent coils of the primary coil,” as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable. Because claims 2 and 5-11 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 24 recites “a coiled medical device for implantation in a patient” comprising “a primary coil having a primary coil shape, the primary coil defining a lumen extending therethrough,” “a secondary coil formed of a shape memory material and disposed in the lumen, the secondary coil having a secondary coil memorized shape, wherein, when heated to a temperature above a critical temperature of the shape memory material, the secondary coil causes

the primary coil to follow the secondary coil shape," and "a plurality of fibers gripped by adjacent coils of the primary coil." Thus, it is respectfully submitted that claim 24 is also allowable for at least the same reasons stated above with reference to claim 1. Because claim 26 depends from and, therefore, includes all the limitations of claim 24, it is respectfully submitted that claim 26 is also allowable.

Claim 5 stands rejected as being unpatentable over Kupeicki as a Product by Process limitation under MPEP 2113. However, the Examiner admitted that Kupeicki does not show or suggest a coil having fibers, as recited in claim 1. (See 4/25/2007 Office Action, page 2, line 24). Therefore, it is respectfully submitted that Kupeicki does not disclose the same or similar product because the present invention also comprises "a plurality of fibers gripped by adjacent coils of the primary coil," as recited in claim 1. Because claim 5 depends from and, therefore, includes all the limitations of claim 1, it is respectfully submitted that claim 5 is allowable.

Claims 5 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kupeicki in view of U.S. Pat. No. 6,171,326 to Ferrera et al. (hereinafter "Ferrera"). Kupeicki was discussed above.

The Examiner correctly stated that Kupeicki does not show or suggest a coil having fibers, as recited in claim 1. (See 4/25/2007 Office Action, page 2, line 24). Ferrera also does not disclose nor suggest a coil having "a plurality of fibers gripped by adjacent coils of the primary coil," as recited in claim 1. In fact, in its entirety, Ferrera does not teach nor imply the use of fibers.

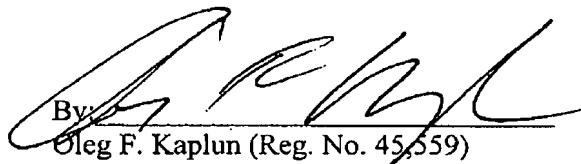
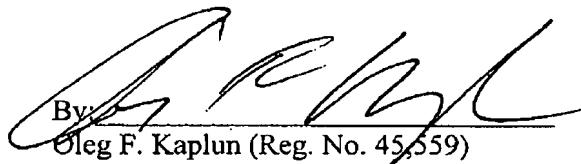
Thus, it is therefore respectfully submitted that neither Kupeicki nor Ferrera, either alone or in combination, disclose nor suggest an embolic coil comprising "a plurality of fibers gripped by adjacent coils of the primary coil," as recited in claim 1. Because claims 5 and 12 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that claims 5 and 12 are allowable.

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In view of the remarks submitted above, the Applicants respectfully submit that the present case is in condition for allowance. All issues raised by the Examiner have been addressed, and a favorable action on the merits is thus earnestly requested.

Respectfully submitted,


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